

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Joint Budget Committee**

A Bill

SENATE BILL 440

For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND
9 OPERATING EXPENSES FOR THE *DEPARTMENT OF COMMUNITY*
10 *PUNISHMENT* FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1995;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT FOR THE *DEPARTMENT OF COMMUNITY PUNISHMENT*
15 APPROPRIATION."

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19 SECTION 1. REGULAR SALARIES. There is hereby established for the
20 *Department of Community Punishment* for the 1993-95 biennium, the following
21 maximum number of regular employees whose salaries shall be governed by the
22 provisions of the Uniform Classification and Compensation Act (Arkansas Code
23 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
24 Provided, however, that any position to which a specific maximum annual salary
25 is set out herein in dollars, shall be exempt from the provisions of said
26 Uniform Classification and Compensation Act. All persons occupying positions
27 authorized herein are hereby governed by the provisions of the Regular
28 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
29 successor.

			Maximum Annual		
			Maximum	Salary Rate	
Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	1993-94	1994-95
35	(1)	8052 COMMUNITY PUNISHMENT DIR	1	\$ 61,316	\$ 63,462

1	(2)	8053 COMMUNITY PUNISHMENT DEPUTY DIR	1	48,950	50,663
2	(3)	8906 ASST. DIR. FIELD OPERATIONS	1	45,378	46,966
3	(4)	8905 COMMUNITY PUNISHMENT PROG. ADMR	3	40,570	41,989
4	(5)	R170 ATTORNEY SPECIALIST	1		GRADE 25
5	(6)	D130 INFORMATION SYSTEMS ADMINISTRATOR	1		GRADE 24
6	(7)	181Z COMPLIANCE ADMINISTRATOR	1		GRADE 23
7	(8)	D066 SYSTEMS COORD. ANALYST II	1		GRADE 22
8		A032 AGENCY FISCAL MANAGER	1		
9		119Z CP/COR PERSONNEL MANAGER	1		
10	(9)	R172 INTERSTATE COMPACT ADMR	1		GRADE 21
11		TO01 CP/COR PARDONS & PAROLES ASST. ADMR	1		
12		D036 SR. PROGRAMMER/ANALYST	1		
13	(10)	R266 MANAGEMENT PROJECT ANALYST II	2		GRADE 20
14		T034 PAROLE/PROBATION OFFICER SUPERVISOR	20		
15	(11)	A103 FIELD AUDITOR	8		GRADE 19
16		M114 SUBSTANCE ABUSE PROG. LDR.	1		
17	(12)	D034 PROGRAMMER ANALYST	1		GRADE 18
18		R264 MANAGEMENT PROJECT ANALYST I	2		
19		A111 ACCOUNTANT	1		
20		R183 COMMUNITY PUNISHMENT SPECIALIST	1		
21		T062 PAROLE/PROBATION OFFICER	254		
22		E050 STAFF DEVELOPMENT SPECIALIST II	3		
23	(13)	R430 ADMINISTRATIVE OFFICER	1		GRADE 17
24		M125 CP/COR WORK PROG. ADVISOR	4		
25	(14)	X318 CP/COR ADMINISTRATIVE REVIEW OFF	2		GRADE 16
26		T003 CP/COR OFFICER I	28		
27	(15)	K011 ADMIN SUPPORT SUPERVISOR	1		GRADE 15
28		A108 ACCOUNTING TECHNICIAN II	2		
29		R009 ADMINISTRATIVE ASST. I	1		
30	(16)	K041 EXECUTIVE SECY/ADMINISTRATIVE SECY	2		GRADE 14
31	(17)	K153 SECRETARY II	17		GRADE 13
32	(18)	A106 ACCOUNTING TECHNICIAN I	26		GRADE 12
33	(19)	K155 SECRETARY I	<u>2</u>		GRADE 11
34		MAXIMUM NO. OF EMPLOYEES	394		
35					

		CONTINGENT POSITIONS			
		Maximum Annual			
		Maximum Salary Rate			
Item	Class	No. of	Fiscal Years		
No.	Code	Title	Employees	1993-94	1994-95
(1)	102Z	WARDEN II	7		GRADE 26
(2)	091Z	ASST. WARDEN	1		GRADE 23
(3)	T014	CHIEF SECURITY OFFICER	2		GRADE 22
(4)	L122	PSYCHOLOGICAL EXAMINER II	1		GRADE 21
	T008	CP/COR OFFICER IV	12		
(5)	T006	CP/COR OFFICER III	42		GRADE 20
	M016	SENIOR CHAPLAIN	1		
	M088	SOCIAL WORKER II	2		
(6)	T010	CP/COR SERGEANT	97		GRADE 19
	M114	SUBSTANCE ABUSE PROG. LDR.	7		
	H030	CP/COR FOOD PROD MGR II	7		
(7)	T005	CP/COR OFFICER II	7		GRADE 18
	Y131	CP/COR CONSTRUCTION/MAINT. SUPV. I	2		
	R322	CP/COR UNIT PERSONNEL & TRAINING OFF	1		
	M105	CP/COR COUNSELOR	12		
	M096	CP/COR PROGRAM COORDINATOR	8		
	T012	DISCIPLINARY HEARING OFFICER	2		
	X450	CP/COR INTERNAL AFFAIRS INVESTIGATOR	1		
(8)	H029	CP/COR FOOD PRODUCTION MANAGER I	23		GRADE 17
	E055	CP/COR UNIT TRAINER	1		
	A114	CP/COR BUSINESS MANAGER	7		
	R049	CLASSIFICATION/ASSIGNMENT OFFICER	1		
(9)	X318	CP/COR ADMINISTRATIVE REVIEW OFF	1		GRADE 16
	T003	CP/COR PUNISHMENT OFFICER I	180		
(10)	W009	CP/COR RECORDS SUPV.	7		GRADE 15
	M048	RECREATION/ACTIVITY LEADER II	1		
(11)	H023	COMMISSARY MANAGER	1		GRADE 14
(12)	K153	SECRETARY II	7		GRADE 13
(13)	A106	ACCOUNTING TECHNICIAN I	2		GRADE 12
(14)	K155	SECRETARY I	15		GRADE 11

1	(15) K023 CLERK TYPIST	<u>2</u>	GRADE 10
2	MAX. NO. OF CONTINGENT EMPLOYEES	460	
3	GRAND TOTAL MAX. NO. OF EMPLOYEES	854;	

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5 SECTION 2. EXTRA HELP. There is hereby authorized, for the

6 Department of Community Punishment for the 1993-95 biennium, the following

7 maximum number of part-time or temporary employees, to be known as "Extra

8 Help", payable from funds appropriated herein for such purposes: four (4)

9 temporary or part-time employees, when needed, at rates of pay not to exceed

10 those provided in the Uniform Classification and Compensation Act, or its

11 successor, or this act for the appropriate classification.

12

13 SECTION 3. APPROPRIATIONS. There is hereby appropriated, to the

14 Department of Community Punishment to be payable from the Department of

15 Community Punishment Fund Account, for personal services and operating

16 expenses of the Department of Community Punishment for the biennial period

17 ~~ending June 30, 1995, the following:~~

19	ITEM	FISCAL YEARS	
20	NO.	1993-94	1994-95
21	(01) REGULAR SALARIES	\$ 6,775,216	\$ 8,156,055
22	(02) EXTRA HELP	4,800	4,800
23	(03) PERSONAL SERV MATCHING	2,024,218	2,436,539
24	(04) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	\$ 2,169,487	\$ 2,396,660
26	(B) CONF. & TRVL.	11,102	11,102
27	(C) PROF. FEES	861,036	1,012,036
28	(D) CAP. OUTLAY	537,608	128,500
29	(E) DATA PROC.	<u>241,155</u>	<u>170,000</u>
30	TOTAL MAINT. & GEN. OPER.	3,820,388	3,718,298
31	(05) SPECIAL OFFENDER PROGRAM GRANTS	250,000	250,000
32	(06) COMMUNITY PUNISHMENT PROGRAMS	<u>6,000,000</u>	<u>8,000,000</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$ 18,874,622</u>	<u>\$ 22,565,692</u>

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35 SECTION 4. APPROPRIATIONS - DRUG LAW ENFORCEMENT PROGRAM. There is

1 hereby appropriated, to the *Department of Community Punishment*, to be payable
2 from the federal funds as designated by the Chief Fiscal Officer of the State,
3 for operating expenses of the *Department of Community Punishment - Drug Law*
4 ~~*Enforcement Program for the biennial period ending June 30, 1995, the*~~
5 following:

7 ITEM		FISCAL YEARS	
8 NO.		1993-94	1994-95
9 (01)	MAINT. & GEN. OPERATION		
10	(A) OPER. EXPENSE \$	58,732 \$	58,732
11	(B) CONF. & TRVL.	3,273	3,273
12	(C) PROF. FEES	32,400	32,400
13	(D) CAP. OUTLAY	8,631	8,631
14	(E) DATA PROC.	<u>0</u>	<u>0</u>
15	TOTAL MAINT. & GEN. OPER.	103,036	103,036
16 (02)	AUDIT	<u>\$ 1,000</u>	<u>\$ 1,000</u>
17	TOTAL AMOUNT APPROPRIATED	<u>\$ 104,036</u>	<u>\$ 104,036</u>

18
19 *SECTION 5. COMMUNITY PUNISHMENT REVOLVING FUND. There is hereby created*
20 *and established on the books of the State Treasurer, State Auditor and Chief*
21 *Fiscal Officer of the State a fund to be known as the "Community Punishment*
22 *Revolving Fund" which shall consist of those special revenues as specified in*
23 *subdivision (31) of Arkansas Code §19-6-301 and fees and sanctions levied by*
24 *the courts or authorized by the Board of Correction and Community Punishment*
25 *for participation in specified programs to be paid by offenders on community*
26 *punishment, there to be used for continuation and expansion of community*
27 *punishment programs as established and approved by the Board of Correction and*
28 *Community Punishment and as may be provided by law. Any fund balances of the*
29 *Arkansas Adult Probation Commission Fund and the Community Services Revolving*
30 *Fund on June 30, 1993 shall be transferred to the Community Punishment*
31 *Revolving Fund.*

32
33 *SECTION 6. APPROPRIATIONS - COMMUNITY PUNISHMENT PROGRAMS. There is*
34 *hereby appropriated, to the Department of Community Punishment, to be payable*
35 *from the Community Punishment Revolving Fund, for personal services and*

1 ~~operating expenses of the Department of Community Punishment~~ ~~Community~~
2 Punishment Programs, for the biennial period ending June 30, 1995, the
3 following:

ITEM		FISCAL YEARS	
NO.		1993-94	1994-95
(01)	REGULAR SALARIES	\$ 623,684	\$ 645,674
(02)	PERSONAL SERV MATCHING	198,478	201,948
(03)	MAINT. & GEN. OPERATION		
(A)	OPER. EXPENSE	\$ 700,000	\$ 700,000
(B)	CONF. & TRVL.	4,000	4,000
(C)	PROF. FEES	0	0
(D)	CAP. OUTLAY	500,000	500,000
(E)	DATA PROC.	<u>0</u>	<u>0</u>
	TOTAL MAINT. & GEN. OPER.	1,204,000	1,204,000
(04)	COMMUNITY PUNISHMENT PROGRAMS	<u>4,000,000</u>	<u>4,000,000</u>
	TOTAL AMOUNT APPROPRIATED	<u>\$ 6,026,162</u>	<u>\$ 6,051,622</u>

19 SECTION 7. TRANSFER PROVISION. Upon seeking and receiving approval from
20 the Chief Fiscal Officer of the State and review by the Arkansas Legislative
21 Council or Joint Budget Committee, the Director of the Department of Community
22 Punishment is authorized to transfer appropriation from any line item
23 authorized in Section 3 and Section 6 of this Act to any other line item
24 authorized in Section 3 and Section 6 of this Act.

26 SECTION 8. REALLOCATION OF RESOURCES. Upon determination by the Board
27 of Correction and Community Punishment that a reallocation of resources within
28 the Department of Community Punishment and Department of Correction is
29 necessary for the efficient and effective operation of the departments, the
30 Board, with approval of the Governor and review by the Arkansas Legislative
31 Council or Joint Budget Committee, shall have the authority to instruct the
32 department directors, to request from the Chief Fiscal Officer of the State, a
33 transfer of positions, programs, funds, appropriations, and line-item
34 appropriations within or between existing and newly created divisions,
35 offices, sections, or units of the departments. If it is determined that the

1 requested transfer should be made, the Chief Fiscal Officer of the State shall
2 then initiate the necessary transfer documents to reflect the transfers upon
3 the fiscal records of the State Treasurer, the State Auditor, the Chief Fiscal
4 Officer of the State, and the Departments of Correction and Community
5 Punishment.

6
7 SECTION 9. The appropriations authorized under the line item established
8 herein for "Community Punishment Programs" are to be used by the Department of
9 Community Punishment for establishment and operation of, to include
10 construction, renovation, and contracting for establishment and operation of,
11 residential and non-residential community punishment programs such as, but not
12 limited to, community punishment centers, drug, alcohol, and mental health
13 treatments, intensive supervision, restitution, and others as established and
14 approved by the Board of Correction and Community Punishment and as may be
15 provided by law.

16
17 SECTION 10. After seeking and receiving approval of the Governor and
18 Chief Fiscal Officer of the State and upon review by the Arkansas Legislative
19 Council or Joint Budget Committee, the Director of the Department of Community
20 Punishment, as authorized by the Board of Correction and Community Punishment,
21 is authorized to use funds appropriated for "Community Punishment Programs"
22 line items in this Act to construct new or renovate existing facilities to
23 support the development of community punishment facilities in the state.

24
25 SECTION 11. In the event the Board of Correction and Community
26 Punishment determines to operate community punishment centers, the Department
27 may, upon approval of the Chief Fiscal Officer of the State and review by the
28 Arkansas Legislative Council or Joint Budget Committee, utilize the contingent
29 positions contained in Section 1 of this Act and make the appropriate
30 transfers from the Community Punishment Programs Line Item contained in
31 Section 3 and Section 6 of this Act to Regular Salaries, Personal Services
32 Matching, and various Maintenance and Operations classifications.

33
34 SECTION 12. The Department of Community Punishment is hereby authorized
35 to purchase motor vehicles from the appropriations authorized for Capital

1 Outlay in Section 3 and Section 6 of this Act.

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3 SECTION 13. Notwithstanding any other provision of law, the Governor
4 shall initially appoint the Director of the Department of Community Punishment
5 after which the Board of Correction and Community Punishment shall appoint the
6 Director of the Department with the advice of the Governor.

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8 SECTION 14. The Department of Community Punishment shall administer in
9 cooperation with the circuit courts, the provision of probation services as
10 prescribed by the circuit courts. The department shall establish an
11 acceptable procedure that ensures the selection of qualified applicants to
12 meet the needs of the circuit courts and includes subject matter experts from
13 the Arkansas circuit courts. Any existing employee of an Arkansas circuit
14 court adult probation department whose salary is paid in whole or part with
15 State aid (probation supervision fees and/or financial aid regulated or funded
16 by the Arkansas Adult Probation Commission) who is employed with an Arkansas
17 circuit court adult probation department on June 30, 1993, shall be deemed a
18 State employee for all purposes, and therefore shall enjoy the same benefits
19 as regular State employees. An Arkansas circuit court adult probation
20 department employee who becomes a State employee on July 1, 1993, who was
21 employed at any time between April 1, 1984 and June 30, 1993, is entitled to
22 credited service in the former position for the purposes of establishing
23 eligibility for the same benefits as regular state employees.

24

25 SECTION 15. It is hereby authorized that the Department of Community
26 Punishment may move an incumbent classified as a Community
27 Punishment/Correctional Officer I, Grade 16, up to Pay Level II of Grade 16,
28 after the following criteria has been met: the incumbent Community
29 Punishment/Correctional Officer I must have completed at least six (6) months
30 continuous service as a Community Punishment/Correctional Officer I; and the
31 incumbent must have completed a minimum of two hundred (200) hours Community
32 Punishment/Correctional Officer training; and the incumbent must have passed a
33 six (6) months evaluation.

34

35 SECTION 16. Arkansas Code §19-5-302 is hereby amended to add the

1 following Subsection:

2 '(13) (A) DEPARTMENT OF COMMUNITY PUNISHMENT FUND ACCOUNT. The Department of
3 Community Punishment Fund Account shall be used for the maintenance,
4 operation, and improvement of the Department of Community Punishment required
5 in carrying out those powers, functions, and duties as established by law.

6 (B) The fund account shall consist of:

7 (i) Those general revenues as may be provided by law;

8 (ii) Nonrevenue income derived from services provided by the probation, parole
9 and community punishment program;

10 (iii) Any other funds provided by law.'

11

12 SECTION 17. Arkansas Code 19-6-432 is hereby repealed.

13

14 SECTION 18. Such appropriations, funding and regular employees as may be
15 authorized by the 79th General Assembly for the biennial period ending June
16 30, 1995, for the personal services and operating expenses of the Department
17 of Community Punishment as created in Act 549 of 1993, shall hereby be made
18 available to the Arkansas Adult Probation Commission as currently established
19 in law, until such time as the provisions of Act 549 are effective.

20

21 SECTION 19. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
22 authorized by this Act shall be limited to the appropriation for such agency
23 and funds made available by law for the support of such appropriations; and
24 the restrictions of the State Purchasing Law, the General Accounting and
25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
26 Procedures and Restrictions Act, or their successors, and other fiscal control
27 laws of this State, where applicable, and regulations promulgated by the
28 Department of Finance and Administration, as authorized by law, shall be
29 strictly complied with in disbursement of said funds.

30

31 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General
32 Assembly that any funds disbursed under the authority of the appropriations
33 contained in this Act shall be in compliance with the stated reasons for which
34 this Act was adopted, as evidenced by the Agency Requests, Executive
35 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.

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5 SECTION 21. CODE. All provisions of this Act of a general and
6 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
7 Arkansas Code Revision Commission shall incorporate the same in the Code.

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9 SECTION 22. SEVERABILITY. If any provision of this Act or the
10 application thereof to any person or circumstance is held invalid, such
11 invalidity shall not affect other provisions or applications of the Act which
12 can be given effect without the invalid provision or application, and to this
13 end the provisions of this Act are declared to be severable.

14

15 SECTION 23. GENERAL REPEALER. All laws and parts of laws in conflict
16 with this Act are hereby repealed.

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18 SECTION 24. EMERGENCY CLAUSE. It is hereby found and determined by the
19 Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas
20 prohibits the appropriation of funds for more than a two (2) year period; that
21 the effectiveness of this Act on July 1, 1993 is essential to the operation of
22 the agency for which the appropriations in this Act are provided, and that in
23 the event of an extension of the Regular Session, the delay in the effective
24 date of this Act beyond July 1, 1993 could work irreparable harm upon the
25 proper administration and provision of essential governmental programs.
26 Therefore, an emergency is hereby declared to exist and this Act being
27 necessary for the immediate preservation of the public peace, health and
28 safety shall be in full force and effect from and after July 1, 1993.

29

/s/Senator Russ

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